

**IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF PENNSYLVANIA**

HAYNES INTERNATIONAL, INC.,	)	
a Delaware corporation,	)	
	)	
Plaintiff,	)	Civil Action No. 04-197(E)
	)	
v.	)	JURY TRIAL DEMANDED
	)	
ELECTRALLOY, a Division of G.O.	)	
CARLSON, INC.,	)	Judge Cohill
a Pennsylvania corporation,	)	
	)	
Defendant.	)	

**ORDER**

AND NOW, to-wit, this \_\_\_\_ day of November, 2005, it is hereby ORDERED,  
ADJUDGED and DECREED that Plaintiff's Motion to Compel Discovery is GRANTED.

It is further ORDERED that:

1. Defendant is required to provide an answer to Plaintiff's Interrogatory No. 2(a), indicating a dollar amount of sales of its C22 and EC22 alloy. In this regard, Defendant is required to either verify under oath that the chart provided by Plaintiff (Ex. 3 to Plaintiff's Motion to Compel Discovery) lists all of Electralloy's sales of its C22 and EC22 alloy, or to correct and complete the chart, providing the requisite documentation to Plaintiff, and verify under oath that the corrected and completed chart represents all of Electralloy's sales of its C22 and EC22 alloy;

2. Defendant is required to provide an answer to Interrogatory No. 2(d), by producing documents that provide a factual basis for Defendant's profit margin claim. Defendant shall be prohibited from introducing at trial any documents not produced during discovery or

other evidence not contained in documents produced during discovery, including testimony evidence, to prove its profit margin on alloys sold under its C22 and EC22 designations.

3. Defendant is required to provide an answer to Interrogatory No. 1(b), by either providing all documentation that provides a basis for its answer to Interrogatory No. 1(b) on who at Electralloy was responsible for the decision to adopt the designations C22 and EC22, or, in the alternative, verifying under oath that no such documentation exists. If Defendant verifies under oath that no such documentation exists, Defendant shall be prohibited from introducing evidence at trial, either through documents or other evidence or testimony, to establish who at Electralloy was responsible for selecting the C22 and/or EC22 designations, and why such designations were chosen.

4. Defendant is required to produce the above-identified information on or before five (5) days from the date of this Order.

5. In accordance with Rule 37 of the Federal Rules of Civil Procedure, it is further ORDERED that Defendant, Electralloy, a division of G. O. Carlson, Inc., shall pay and reimburse Plaintiff its attorneys' fees incurred in preparing and filing this Motion to Compel Discovery. Plaintiff shall submit to Defendant an accounting of those fees within five (5) days from the date of this Order.

BY THE COURT:

\_\_\_\_\_. J.